

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

Mr. Kenneth A. Strassner
Vice President, Environment and Energy
Kimberly-Clark Corporation
1400 Holcomb Bridge Road
Roswell, Georgia 30076

Dear Mr. Strassner,

I am responding to your January 30, 1996 letter to the Administrator, Environmental Protection Agency urging us to take immediate action to include wipers, both disposable and reusable, which are contaminated with de minimus amounts of commonly used, listed solvents, as part of the Hazardous Waste Identification Rule (HWIR) signed on November 13, 1995.

As you know, the Office of Solid Waste elected to discuss the issue of industrial cloths contaminated with solvents in the Administrator's Common, Sense Initiative for the Printing Sector because this issue affects so many small businesses. The goals of this effort are to encourage the use of less volatile solvents, encourage safe recycling, ensure safe management of industrial cloths contaminated with solvents, and create a user-friendly approach that is easily understandable by the small business community.

As part of this effort, we have been reviewing all available information associated with this issue and identifying potential approaches that achieve the above stated goals. One of the options we have been carefully evaluating resembles the approach you articulated in your letter to the Administrator. The fundamental issue, however, is what and how much data is necessary to support such a course of action in a rulemaking. Under an ideal situation, the possible factors to consider would include the type of solvent, type of wiper or cloth used, the absorbent characteristics of the wiper, the amount of solvent on the wiper, the frequency of contaminated wiper generation, size of container storage, and time between generation and disposal to the municipal landfill. Also to be considered is whether any remaining concentration on the wiper could pose an air emission problem at the landfill. However, we do not believe data is necessary for every one of these variables to make a defensible decision.

We are currently evaluating options to help "bound" the problem. One involves developing a relatively simple parametric model that includes some of the important variables identified above to ascertain when and under what conditions a problem could possibly exist. A second option involves collecting additional data for a select number of actual tests to "fill-in" important data gaps. Towards that end, we are carefully reviewing the data you and others have provided us to ascertain whether sufficient test data already exists to move ahead with a rule. A third option involves using both the parametric analysis, and test data provided to us to identify those gaps where additional test data would be important in supporting our record of decision. As

part of this effort, we also are examining whether the HWIR rule is the most appropriate vehicle should we decide to go forward on this issue.

I realize your impatience in resolving this issue. Our goal is to, quickly determine whether a defensible, common sense approach exists that protects human health and the environment. With limited resources and many regulatory reform efforts on our agenda, we hope to be creative and innovative in resolving this long-standing issue.

James O'Leary of my staff is coordinating the above efforts. He can be reached at (202) 260-0724 for additional information on this subject. Any assistance you could provide in facilitating the above process, particularly providing any additional test data, if necessary, also would be appreciated. Similarly, I can be reached at (202,) 260-4627 if you have any questions or concerns.

Sincerely yours,

Michael Shapiro, Director
Office of Solid Waste